

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5007 (SB 2004)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Appropriations Committee and Grimsley	81 Y's	37 N's
COMPANION BILLS:	SB 2004	GOVERNOR'S ACTION:	Pending

SUMMARY ANALYSIS

Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Upon the issuance of the Governor's Budget Recommendations, any articles that have not been agreed to are declared at impasse. It is the Legislature's responsibility to resolve all issues at impasse between the parties. Ultimately, the decisions made by the Legislature, as well as those agreed to by the parties, are reduced to writing, signed by the chief executive officer for the state and the bargaining agent for the union, and submitted to the members of the bargaining unit for ratification.

Upon execution of the collective bargaining agreement, the Governor must request the legislative body to appropriate amounts sufficient to fund the provisions of the agreement. If the Legislature appropriates funds that are not sufficient to fund the agreement, the agreement must be administered on the basis of the amounts actually appropriated.

The bill directs the resolution of collective bargaining issues at impasse not related primarily to salary and benefit issues for the 2012-2013 fiscal year regarding state employees. Those issues are resolved based on the spending decisions included in the Fiscal Year 2012-2013 General Appropriations Act or legislation implemented for that Act.

For Fiscal Year 2012-2013, The Legislature resolved all issues remaining at impasse between the Unions and the state in essence as the state's last offer. However, many issues had already been resolved by the parties or there was no proposal on the table from the unions.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Any collective bargaining agreement reached must be reduced to writing, signed by the chief executive officer for the state and the bargaining agent for the union, and submitted to the members of the bargaining unit for ratification.

Upon execution of the collective bargaining agreement, the Governor must request the legislative body to appropriate amounts sufficient to fund the provisions of the agreement. If the Legislature appropriates funds that are not sufficient to fund the agreement, the agreement must be administered on the basis of the amounts actually appropriated.

Typically, at the state level, an agreement is not reached on all issues. In that instance, and pursuant to s. 216.163(6), F.S., an impasse is declared on all unresolved issues when the Governor's Budget Recommendations are released. Within five days of the start of the impasse period, each party is required to notify the presiding officers of the Legislature of the unresolved issues. A joint select committee of members of the Florida House of Representatives and the Senate is appointed to review the positions of the parties and make recommendations to the Legislature on potential resolution. The committee's recommendation is provided to the presiding officers no later than ten days before the start of the regular legislative session. During the session, the Legislature shall take action to resolve all issues remaining at impasse. Any actions taken by the Legislature are binding on the parties.

Following the resolution of the impasse issues, the parties are required to reduce to writing an agreement that includes those issues agreed to by the parties as well as those issues resolved by the Legislature. As noted above, the agreement must be signed by the chief executive officer and the bargaining agent and presented to the members of the bargaining unit for ratification.

If the members ratify the agreement, all the provisions of the agreement take effect. If the members do not ratify the agreement, the issues resolved by the Legislature take effect for the next fiscal year which was the subject of the negotiations.

The certified bargaining units for state employees and the respective bargaining agents, along with the number of articles remaining at impasse, not including salary and benefit Articles, include:

American Federation of State, County and Municipal Employees, Council 79

- Administrative and Clerical Unit
- Operational Services Unit
- Human Services Unit
- Professional Unit
 - Article 9 "Vacant"
 - Article 10 "Vacant"
 - Article 27 "Health Insurance"

Florida Nurses Association

- Professional Health Care Unit (agreed to all articles)

Police Benevolent Association

- Special Agent Unit
 - Article 5 "Employment Representation and PBA Activities"
 - Article 31 "Prevailing Rights"
- Law Enforcement Unit
 - Article 5 "Employment Representation and PBA Activities"
- Florida Highway Patrol Unit
 - Article 5 "Employment Representation and PBA Activities"

Florida State Fire Service Association

- Fire Service Unit
 - Article 1 "Recognition"
 - Article 2 "Gender Reference"
 - Article 3 "Vacant"
 - Article 5 "Representation Rights"
 - Article 6 "Grievance Procedures"
 - Article 7 "Disciplinary Action"
 - Article 8 "Workforce Reductions"
 - Article 9 "Voluntary Reassignment Transfer, Change in Duty Station and Promotions"
 - Article 10 "Occupation Profiles/Rules Maintained/Documentation"
 - Article 11 "Classification Review"
 - Article 12 "Personnel Records"
 - Article 14 "Health and Welfare" Article "State Vehicles and Vessels"
 - Article 15 "Probationary Status"
 - Article 16 "Retirement"
 - Article 17 "Allowances and Reimbursements"
 - Article 18 "Leaves of Absence"
 - Article 20 "Training and Education"
 - Article 21 "Committees"
 - Article 24 "On-Call Assignment, Call-Back and Residency"
 - Article 26 "Vacant"
 - Article 27 "Uniforms"
 - Article 30 "Prevailing Rights"
 - Article 59 "Entire Agreement"
 - Article 33 "Savings Clause"

Federation of Physicians and Dentists

- Supervisory Nonprofessional Unit
 - Article 2 "Gender Reference"

- Article 3 "Vacant"
 - Article 4 "No Discrimination"
 - Article 5 "Union Activities and Employee Representation"
 - Article 6 "Grievance Procedure"
 - Article 7 "Employee Standards of Conduct"
 - Article 8 "Employee Rights"
 - Article 9 "Vacant"
 - Article 10 "Career Opportunities"
 - Article 11 "Classification and Pay Plan"
 - Article 12 "Personnel File"
 - Article 13 "Safety"
 - Article 14 "Review and Performance Evaluations"
 - Article 15 "Scope of Professional Responsibilities"
 - Article 16 "Employment Outside State Government"
 - Article 17 "Drug Testing"
 - Article 18 "Hours of Work/Overtime & Leaves of Absence"
 - Article 19 "Holidays"
 - Article 20 "Training"
 - Article 21 "Travel Expenses"
 - Article 22 "Replacement of Personal Property"
 - Article 23 "Insurance Benefits"
 - Article 24 "Call Back"
 - Article 26 "Printing of the Agreement"
 - Article 27 "Vacant"
 - Article 28 "Management Rights"
 - Article 29 "Entire Agreement" 88
 - Article 30 "Savings Clause"
- Physicians Unit
 - Article 2 "Gender Reference"
 - Article 3 "Vacant"
 - Article 4 "No Discrimination"
 - Article 5 "Employee Rights, Management and Union Communications"
 - Article 6 "Grievance Procedure"
 - Article 7 "Employee Standards of Conduct"
 - Article 8 "Termination Due to a Reduction in Force and Recall"
 - Article 9 "Reassignment"
 - Article 10 "Classification and Pay Plan"
 - Article 11 "Classification Review and Professional Practice Scope"
 - Article 12 "Personnel Records"
 - Article 13 "Safety"
 - Article 14 "Replacement of Personal Property"
 - Article 15 "Drug Testing"
 - Article 16 "Leave of Absence, Hours of Work"
 - Article 17 "Training and Education"
 - Article 20 "Per Diem and Travel Expenses"
 - Article 21 "Pay Plan and Classification of Work"

- Article 22 "Vacant"
 - Article 23 "Management Rights"
 - Article 24 "Entire Agreement"
 - Article 25 "Savings Clause"
- State Employees Attorneys Guild
 - Article 2 "Gender Reference"
 - Article 3 "Vacant"
 - Article 4 "No Discrimination"
 - Article 5 "Employee Rights, Management and Union Communications"
 - Article 6 "Grievance Procedure"
 - Article 7 "Employee Standards of Conduct"
 - Article 8 "Workforce Reduction"
 - Article 9 "Employment Opportunities"
 - Article 10 "Classification and Pay Plan"
 - Article 11 "Classification Review and Professional Practice Scope"
 - Article 12 "Personnel Records"
 - Article 13 "Safety"
 - Article 14 "Replacement of Personal Property"
 - Article 16 "Leave of Absence, Hours of Work"
 - Article 17 "Training and Education"
 - Article 19 "Insurance Benefits"
 - Article 20 "Per Diem and Travel Expenses"
 - Article 21 "Pay Plan and Classification of Work"
 - Article 22 "Vacant"
 - Article 23 "Management Rights"
 - Article 24 "Entire Agreement"
 - Article 25 "Savings Clause"

Teamsters Local Union No. 2011

- Security Services Unit
 - Article 3 "Vacant"
 - Article 9 "Reassignment, Transfer"
 - Article 21 "Change in Duty Station"
 - Article 24 "On-call Assignment"
 - Article 22 "Call-Back"
 - Article 28 "Travel Expenses"
 - Article 32 "Entire Agreement"

Federation of Public Employees

- Lottery Administrative and Support Unit
 - Article 17 "Insurance and Benefits"

Provisions of the bill:

Of 386 articles that were initially opened for negotiation, 137 were agreed to by both parties leaving 151 remaining at impasse at the time the Legislature took action. The unions did not submit a proposal or counter proposal to the state's offer for 62 of the Articles. A majority of the articles remaining at impasse contained only grammatical corrections or editorial changes to provide more consistency across contracts. Several collective bargaining units; Florida State Fire Service Association, and the three falling under the Federation of Physicians and Dentists, did not agree to sign any of the articles at impasse, accounting for a large portion of outstanding issues. The Florida Nurses Association was the only Union to agree to an entire contract.

The bill provides resolves the remaining articles, not related to employee salary and benefits, at impasse for the 2012-2013 fiscal year regarding state employees as the state's last offer. Issues related to salary and benefits are resolved according to provisions of the General Appropriations Act (HB 5001) and other related legislation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The additional flexibility provided to the Department of Corrections to implement 12 hour shifts may result in a \$10 million positive fiscal impact for the state. There is an indeterminate fiscal impact associated with limitations placed on the accrual and payment of special compensation leave. It is uncertain whether capping such leave may result in the need for additional overtime and staff, which would offset potential savings.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.